

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

United States of America
v.

ANGELA SCHWEITZER
a/k/a "Toya"

Case No. 1:24-mj-236

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 26, 2023 in the county of Hamilton in the
Southern District of Ohio, the defendant(s) violated:

Code Section

18 U.S.C. Section 844(n)

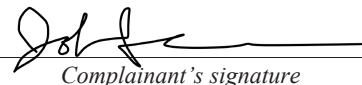
Offense Description

Conspiracy to commit malicious damage and destruction of a building in
interstate commerce

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.


Complainant's signature

Special Agent John Scott, ATF
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
via FaceTime video (specify reliable electronic means).

Date: Mar 21, 2024

City and state: Cincinnati, Ohio


Karen L. Litkovitz
United States Magistrate Judge



AFFIDAVIT IN SUPPORT OF COMPLAINT

I, John Scott, being duly sworn, depose and state the following:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and have been since April 2000. During my time as a federal criminal investigator, I have participated in numerous investigations that have resulted in the executions of Federal search and arrest warrants. I am familiar with the Federal statutes pertaining to Federal Arson as in Title 18, United States Code, Section 844(i). I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communication with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

2. Along with other agents, officers, and investigators, I am currently involved in an investigation of arson offenses committed by **DONALD DONATELLI** and **ANGELA SCHWEITZER**, a/k/a “Toya.” Based on the investigation conducted to-date, I believe there is probable cause to believe that **DONATELLI** committed the malicious damage and destruction of a building that affected interstate commerce, in violation of 18 U.S.C. § 844(i) and **DONATELLI** and **SCHWEITZER** committed conspiracy to commit the malicious damage and destruction of a building that affected interstate commerce, in violation of 18 U.S.C. § 844(n). I submit this affidavit in support of a criminal complaint.

3. This affidavit is intended to show merely that there is sufficient probable cause for the requested arrest warrant and does not set forth all of my knowledge about this matter.

BACKGROUND OF INVESTIGATION

1. I have spoken with members of the Cincinnati Fire Department (“CFD”), and have reviewed video footage recovered from the Grocery. From those conversations and that review, I have learned, among other things, the following:

- a. There is a grocery store located at 866 Gwinnet Drive, Cincinnati, Ohio (the “Grocery”). The Grocery is open to the public.
- b. On or about November 26, 2023, around approximately 9:55 PM, an unknown individual threw an incendiary device into the front door of the Grocery. The incendiary device caused a fire, which caused extensive damage to the Grocery. The owner of the Grocery and his wife were present and inside the Grocery at the time the incendiary device was thrown.
- c. Based on my training and experience, I know that grocery stores like the Grocery engage in interstate commerce.

2. I have reviewed surveillance footage from the Grocery, and from that review, I have learned, among other things, the following sequence of events:

- a. On or about November 26, 2023, around approximately 5:19 PM, a white four door BMW pulled into the parking lot of the Grocery. At approximately 5:20 PM, an unknown white male (“Individual-1”) exited the BMW, which appears to be occupied by a passenger and the running lights are visible. Individual-1 entered the Grocery.
- b. At approximately 5:21 PM, the interior video surveillance of the Grocery shows Individual-1 in the aisle of the Grocery and the cellphone that he was

holding lit up. Individual-1 appears to have tattoos on is right wrist and left bicep and a mole on the left side of his neck.

- c. At approximately 5:24 PM, Individual-1 exited the store, and entered the driver's side of the BMW. At approximately 5:25 PM, the BMW left the parking lot of the Grocery.
- d. On this same date, at approximately 9:51 PM, a white four door sedan believed to be a BMW, entered the lot and backed into a space to the west of the entrance to the Grocery.
- e. At approximately 9:55 PM, after it appeared that all of the customers left the Grocery, an unidentified individual exited the driver's door of the vehicle and walked towards the entrance of the Grocery. The unidentified individual stopped short of the entrance and lit what appears to be a type of cloth going into a bottle. The individual then opened the entrance door to the Grocery and forcefully threw towards the floor of the Grocery the incendiary device that began to burn the interior of the Grocery. The unknown individual then ran back to the white sedan and entered the passenger side of the vehicle and exited the parking lot. Based on the unknown individual having exited the driver's seat and then returned to the front passenger seat, I believe another person moved to the driver's seat while the unknown individual was throwing the incendiary device. During the events described above, the unidentified individual appears to be carrying a cellular phone.

3. On or about January 7, 2024, an anonymous individual (“Individual-2”) called the Crime Stoppers tip line. I know from my experience, as well as publicly available information, that Crime Stoppers is an independent organization that helps gather information about unsolved crimes through community tips, provided through telephone or website. Telephone tips to Crime Stoppers are received by the local Crime Stoppers tips line phone, which does not provide caller ID information and does not record the calls. The Crime Stoppers police or civilian coordinators receiving the information complete tip information forms, make initial inquiries, and then pass the information to the investigating officers. Crime Stoppers offers cash rewards for information leading to indictment or arrests. I have reviewed the tip information form for the aforementioned tip, and from that review, I have learned, among other things, the following:

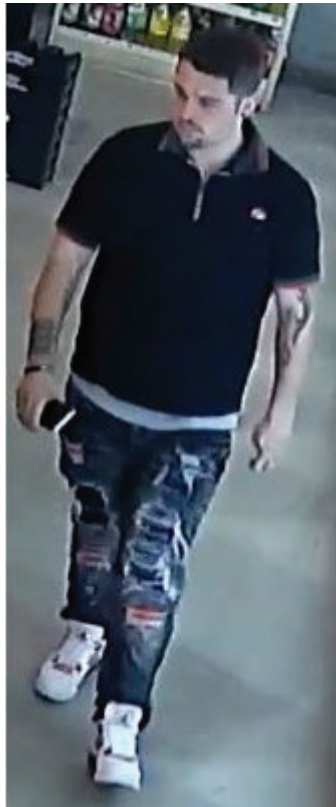
- a. According to Individual-2, the person responsible for the Grocery arson is “Donald Barl,” unknown last name, who is currently in the Belmont County Jail for forgery charges.
- b. Individual-2 reported that “Donald Barl” has a video on his phone that shows him committing this crime.
- c. Individual-2 described “Donald Barl” as a white male, 5’10 height, 240 pounds in weight with brown hair and 28 years old.

4. I have spoken to a Specialist at the Cincinnati Fire Department (“CFD”) , as well as reviewed information from Union Township Police Department (“UTPD”), and from those conversations and that review, I have learned, among other things, the following:

- a. DONALD EARL DONATELLI is currently being held at the Clermont County Jail on pending charges for Forgery, Receiving Stolen Property, and Identity Fraud.
- b. DONATELLI has tattoos on his right wrist, inside right forearm, left bicep, left forearm, and left hand. DONATELLI has a mole on the left side of his neck.

5. I have compared photographs of DONATELLI from his booking at the Clermont County Jail with the surveillance footage of Individual-1 from the Grocery. Individual-1 has a tattoo on his right wrist, right forearm, and left bicep consistent with DONATELLI's tattoos. Individual-1 has a mole of the left side of his neck consistent with DONATELLI's mole. Individual-1 is wearing clothes that resemble the clothes DONATELLI was wearing when he was arrested.

- a. For example, this is a still from the surveillance footage of Individual-1 from the Grocery, which shows tattoos on his right wrist, right forearm, and left arm (including a portion of his bicep):



- b. These are three of DONATELLI's photographs from booking, which show his right wrist, right forearm, and his left bicep tattoo:





- c. For example, this is a still from the surveillance footage of Individual-1 from the Grocery, which shows a mole on Individual-1's neck:



- d. This is one of DONATELLI's photographs from his booking, which shows a mole on the left side of his neck:



- e. For example, these are two photographs of the clothing DONATELLI was wearing when he was arrested (compare with the photograph included in paragraph (a)):



6. I have spoken to a detective with the UTPD, and from that communication, I have learned, among other things, the following:

- a. DONATELLI was arrested in a white 2008 BMW 528XI that he purchased on or about November 12, 2023.
- b. The detective provided photos of the 2008 BMW 528XI to me. The BMW has consistent features with both the BMW driven by Individual-1, and the vehicle believed to be a BMW driven by the individual who threw the incendiary device into the Grocery.

7. On or about December 28, 2023, UTPD arrested DONATELLI for having open warrants, as well as charges for Forgery, Receiving Stolen Property, and Identity Fraud. UTPD executed a search warrant on the 2008 BMW 528XI and recovered an iPhone and another cell phone. UTPD interviewed DONATELLI and he stated, in substance and in part, that he used the white iPhone and Google phone.

8. On or about January 26, 2024, UTPD interviewed an individual (“Individual-3”) who was the victim of a burglary that was reported to the Hamilton Police Department. Individual-3 listed Donald DONATELLI as a possible suspect on the police report. Individual-3 stated, in substance and in part, the following:

- a. DONATELLI showed Individual-3 a video from his phone through the Snapchat application of a person dressed in all black throwing a lit bottle

into a gas station and starting a fire. In the beginning of the video, Individual-3 heard a woman's voice.

- b. DONATELLI told Individual-3 that (1) somebody didn't pay up to his dude; (2) he didn't get paid for starting the fire, and (3) he just did it out of loyalty to show his N-Words the kind of person he is.
- c. Individual-3 provided text messages between DONATELLI and Individual-3 on two different phone numbers. One of the phone numbers was 859-529-5313.

9. On or about February 1 and 9, 2024, the Honorable Stephanie K. Bowman authorized the seizure of historical location data for the phone number ending in -5313. I have spoken with a Special Agent with ATF who reviewed those returns, as well as reviewed his reports, and from those conversations and that review, I have learned, among other things, the following:

- a. The Special Agent imported the records into software that creates a visual representation of the records.
- b. The Special Agent reviewed 17 mappable records for November 26, 2023 (the day of the arson) from 8:44:29 PM to 10:51:15 PM EST.
- c. From 8:44 PM to 8:56 PM, seven mappable call detail record ("CDR") events occurred and interacted with a cell site approximately 7.8 miles west of the Grocery.

- d. From 9:35 PM to 9:58 PM, seven mappable CDR events occurred and interacted with cell sites approximately 0.6 to 1.7 miles from the Grocery.
- e. From 10:30 PM to 10:51 PM, three mappable CDR events occurred and interacted with cell sites approximately 7.1 to 7.8 miles west of the Grocery.
- f. This shows the phone ending in -5313 was in close proximity to the Grocery at and around the time of the arson.

10. I spoke with a specialist with CFP, who told me that, on or about December 31, 2023, DONATELLI's girlfriend sent DONATELLI a chirp (a jail text) that read, in substance and in part, "[telephone number ending in -8877] this toya number she told me to give it to you."

11. I have reviewed jail calls from Clermont County Jail and from that review, I have learned, among other things, the following:

- a. On or about February 8, 2024, DONATELLI placed a telephone call to the number ending in -8877 and spoke with a female called "Toya." The call was recorded.
- b. At one point in the conversation, DONATELLI and Toya said, in substance and in part, the following:

DONATELLI: And imma keep my shit zipped, like, and, hey, I need you to do me a favor.

Toya: What?

DONATELLI: Get on, get on, uh, 'member, 'member, 'member, uh, 'member when we went out that one night?

Toya: [U/I] What?

DONATELLI: 'Member when we went out that one night, and, uh, we went to that party or whatever and you sent me that SnapChat video?

Toya: The wha, what?

DONATELLI: Do you remember when we went out that one night and you sent me that SnapChat video? You know what I'm talking about?

Toya: [U/I] Uh.

DONATELLI: All the way up in Ohio, when, when we went to the bonfire?

Toya: Oh, ah, lemme think.

DONATELLI: Yeah, yeah. I need you to, like, get rid of that video because I don't want Kara to see me cheating on her.

Toya: What, when you was drunkin a Mistel [ph] in there?

DONATELLI: Huh?

Toya: When you was drunkin a Mistel in there?

DONATELLI: Yeah, yeah, yeah, yeah. I need you to get ri-, yeah, I need you to get rid of that shit, because –

Toya: [U/I] I know, it's already d-, it's already.

DONATELLI: Alright, cool. See that's why I love you sis, you my people, bro.

Toya: [U/I]

DONATELLI: Yeah, I fuck with you, sis, for real, like. And, and, and know, like, you ain't never gotta worry about nothing coming out of me, you feel me, never.

12. On or about February 5, 2024, the Honorable Stephanie K. Bowman, U.S. Magistrate Judge, authorized the seizure and search of SnapChat accounts associated with DONATELLI. On or about February 23, 2024, the Honorable Stephanie K. Bowman, U.S. Magistrate Judge, authorized the seizure and search of SnapChat accounts associated with the telephone number ending in -8877 and “ToyaWood23.” I reviewed the returns from those warrants, and from that review, I learned, among other things, the following:

- a. The Snapchat account “Toyawood23” is associated with the telephone number ending in -8877.
- b. The Snapchat account “Toyawood23” sent a video (the “Video”) to a Snapchat account “donatelli3221,” associated with DONATELLI.
- c. The Video appears to be filmed by a cellular phone from inside a vehicle parked in a parking lot. At the beginning of the Video, a male figure in black approached the front glass doors of a store that looks like the Grocery. The male opens one of the glass doors and throws something inside that causes an explosive fire. The male then turns to run towards the vehicle.
- d. The Video then goes dark, although a male and a female voice can be heard, as well as sounds of the car door opening and closing and the car driving away. The male voice says, in substance and in part, “Go, go, go, go, go.” The female voice says, in substance and in part, “I can’t! How do I get it

out of fucking drive?” The male voice says, in substance and in part, “Go, you’re in drive!”

e. The Video is consistent with surveillance footage from the Grocery.

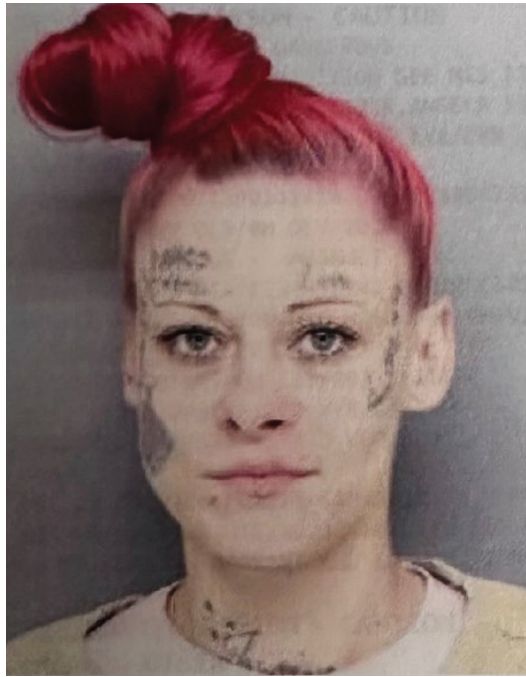
13. On or about February 13, 2023, I ran the telephone number ending in -8877 through a database available to law enforcement and it reported that the number was associated with ANGELA SCHWEITZER.

14. I have reviewed the Facebook profile for “Toya Clark,” which displays a profile picture of an individual who resembles jail booking photographs I have seen of ANGELA SCHWEITZER.

a. For example, here is the photograph from the Facebook profile “Toya Clark”:



b. Here is a jail booking photograph of ANGELA SCHWEITZER:



15. Toll records from a phone associated with DONATELLI show calls between the telephone number ending in -8877 and the phone associated with DONATELLI on or about November 26, 2023, the date of the arson.

16. On or about February 26, 2024, ANGELA SCHWEITZER was arrested on open warrants by the Cincinnati Police Department Fugitive Apprehension Unit and held at the Hamilton County Justice Center.

17. On or about March 1, 2024, the CFD charged SCHWEITZER with two counts of aggravated arson to person and one count of aggravated arson to occupied structure, in connection with the arson of the Grocery described above. After the charges, SCHWEITZER remained in the Hamilton County Justice Center.

18. On or about March 12, 2024, SCHWEITZER made a telephone call from the facility. That call was recorded. In that telephone call, SCHWEITZER stated, in substance and in part, “And then I’m going to bond out, get on the box at your house and just fight it from the outside. So ... he said that everything was good on my end. Cause he said from what he’s looking at, it’s going to be, we’re probably just go ahead for me to plead out to a complicity charge. . . . I told him the truth, like, yeah, I was in the car or whatever. I mean, he’s like so you aren’t on camera lighting the fire and I said no. Like I didn’t even know where was going or nothing, like. So [U/I] I know what I’m saying, I know what I’m talking about and he told me what I could and could not say, so. But I told him the truth, I told him that y’all wasn’t involved or whatever, and he was like so if anything we’ll just go ahead and plead you out to a complicity charge and get you probation or whatever.”

CONCLUSION

4. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that DONALD EARL DONATELLI committed malicious damage and destruction of a building affecting interstate commerce, in violation of 18 U.S.C. § 844(i) and DONALD EARL DONATELLI and ANGELA SCHWEITZER conspired to commit the malicious damage and destruction of a building affecting interstate commerce, in violation of 18 U.S.C. § 844(n). I therefore respectfully request that this Court authorize a criminal complaint and arrest warrants for DONATELLI and SCHWEITZER.

Respectfully submitted,



John Scott
Special Agent
ATF

Subscribed and sworn to before me on March **21**, 2024.

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Karen L. Litkovitz
United States Magistrate Judge